

REMARKS

Claims 1 through 55 are pending and have been restricted under 35 U.S.C. § 121 into the sixteen following groups:

- Group I : Claims 1 through 3, directed to a nucleic acid array for detecting a cancer associated (CA) nucleic acid;
- Group II : Claims 4 through 8, directed to a peptide array;
- Group III : Claims 9 through 11, directed to a compound that binds to a polypeptide of a peptide array;
- Group IV : Claims 12 through 27, directed to an isolated antibody or antigen binding fragment thereof, the hybridoma that produces the said antibody and a pharmaceutical composition comprising said antibody;
- Group V : Claims 28 through 29, directed to a kit for detecting cancer cells comprising an antibody;
- Group VI : Claims 30, 42-44 and 49, directed to a method for detecting CA protein (CAP) with an antibody,
- Group VII : Claims 31 and 32, directed to a method of administering an antibody,
- Group VIII : Claims 33 and 34, directed to a kit for diagnosing the presence of cancer comprising at least two polynucleotides,
- Group IX : Claims 35 and 36, directed to an electronic library comprising at least two CA polynucleotide sequences;
- Group X : Claim 37, directed to an electronic library comprising at least two CA polypeptide sequences;
- Group XI : Claims 38 through 41, directed to a method of screening for anticancer activity comprising providing a cell and contacting it with an anticancer drug;
- Group XII : Claims 43 and 49, directed to a method for detecting cancer associated with expression of a polypeptide comprising detecting the level of activity of at least one polypeptide;
- Group XIII : Claims 45 through 48, directed to a method for screening for a bioactive agent comprising determining the effect of said

agent on the bioactivity of CAP;

- Group XIV : Claims 50 and 51, directed to a method for treating cancers comprising administering an inhibitor of a CAP;
- Group XV : Claims 52 through 54, directed to a method for inhibiting expression of CA gene comprising contacting said gene with a double stranded RNA comprising a sequence; and
- Group XVI : Claim 55, directed to anti-cancer drug candidate identified by a method.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicants elect the claims of Group VIII, claims 33 and 34, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group VIII from the claims of Group IX. While the claims of Groups VIII and IX are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. In particular, Groups VIII and IX are both directed to embodiments that comprise at least two polynucleotides. Thus, a search of the claims of Group VIII will, of necessity, reveal information relevant to the examination of the claims of Group IX and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group VIII with the claims of Group IX together should not be an undue burden on the Examiner.

The Examiner has additionally requested that a species election be made. Applicants elect the species tumor suppressor with traverse. All pending claims read on the elected species. Applicants respectfully submit that this species election requirement is improper because the species are not mutually exclusive. See *Manual of Patent Examination Procedure (M.P.E.P)* 806.04(f). Tumor suppressor genes and protooncogenes are mutually exclusive species. Withdrawal of the election requirement is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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